

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket HWCA 2005 0726

Industrial Service Oil  
Company, Inc.  
1700 South Soto Street  
Los Angeles, CA 90023

CONSENT ORDER

Health and Safety Code  
Section 25187

ID No. CAD099452708

Respondent.

The State Department of Toxic Substances Control  
(Department) and Industrial Service Oil Company, Inc. (Respondent)  
enter into this Consent Order and agree as follows:

1. Respondent treats, stores, and/or disposes of hazardous  
waste at 1700 Soto Street, Los Angeles, California 90023 (Site).

1           2. The Department inspected the Site on: August 2, 2004.  
2           3. The Department alleges the following violations:  
3           3.1. The Respondent violated Health and Safety Code section  
4 25202, subdivision (a). To wit: Respondent treated oily waste water  
5 in its waste water treatment unit without authorization from the  
6 Department and treated used antifreeze in its glycol distillation unit  
7 without authorization from the Department.  
8           4. A dispute exists regarding the alleged violations.  
9           5. The parties wish to avoid the expense of litigation and  
10 to ensure prompt compliance.  
11           6. Jurisdiction exists pursuant to Health and Safety Code  
12 section 25187.  
13           7. Respondent waives any right to a hearing in this matter.  
14           8. This Consent Order shall constitute full settlement of  
15 the violations alleged above, but does not limit the Department from  
16 taking appropriate enforcement action concerning other violations.

17                           SCHEDULE FOR COMPLIANCE

18           10. Respondent shall comply with the following:  
19           10.1. Effective immediately, Respondent shall cease  
20 treating oily waste water in its waste water treatment unit and cease  
21 treating used antifreeze in its glycol distillation unit until it  
22 obtains the proper authorization from the Department.  
23           10.2. Submittals: All submittals from Respondent pursuant  
24 to this Consent Order shall be sent to:  
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1 Florence Gharibian, Branch Chief  
2 Statewide Compliance Division  
3 Department of Toxic Substances Control  
4 1011 North Grandview Avenue  
5 Glendale, CA 91201

6 10.3. Communications: All approvals and decisions of the  
7 Department made regarding such submittals and notifications shall be  
8 communicated to Respondent in writing by a Branch Chief, Department of  
9 Toxic Substances Control, or his/her designee. No informal advice,  
10 guidance, suggestions, or comments by the Department regarding  
11 reports, plans, specifications, schedules, or any other writings by  
12 Respondent shall be construed to relieve Respondent of its obligation  
13 to obtain such formal approvals as may be required.

14 10.4. Department Review and Approval: If the Department  
15 determines that any report, plan, schedule, or other document  
16 submitted for approval pursuant to this Consent Order fails to comply  
17 with the Order or fails to protect public health or safety or the  
18 environment, the Department may return the document to Respondent with  
19 recommended changes and a date by which Respondent must submit to the  
20 Department a revised document incorporating the recommended changes.

21 10.5. Compliance with Applicable Laws: Respondent shall  
22 carry out this Order in compliance with all local, State, and federal  
23 requirements, including but not limited to requirements to obtain  
24 permits and to assure worker safety.

25 10.6. Endangerment during Implementation: In the event  
26 that the Department determines that any circumstances or activity  
27 (whether or not pursued in compliance with this Consent Order) are  
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1 creating an imminent or substantial endangerment to the health or  
2 welfare of people on the site or in the surrounding area or to the  
3 environment, the Department may order Respondent to stop further  
4 implementation for such period of time as needed to abate the  
5 endangerment. Any deadline in this Consent Order directly affected by  
6 a Stop Work Order under this section shall be extended for the term of  
7 such Stop Work Order.

8           10.7. Liability: Nothing in this Consent Order shall  
9 constitute or be construed as a satisfaction or release from liability  
10 for any conditions or claims arising as a result of past, current, or  
11 future operations of Respondent, except as provided in this Consent  
12 Order. Notwithstanding compliance with the terms of this Consent  
13 Order, Respondent may be required to take further actions as are  
14 necessary to protect public health or welfare or the environment.

15           10.8. Site Access: Access to the Site shall be provided at  
16 all reasonable times to employees, contractors, and consultants of the  
17 Department, and any agency having jurisdiction. Nothing in this  
18 Consent Order is intended to limit in any way the right of entry or  
19 inspection that any agency may otherwise have by operation of any law.  
20 The Department and its authorized representatives may enter and move  
21 freely about all property at the Site at all reasonable times for  
22 purposes including but not limited to: inspecting records, operating  
23 logs, and contracts relating to the Site; reviewing the progress of  
24 Respondent in carrying out the terms of this Consent Order; and  
25 conducting such tests as the Department may deem necessary.

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1 Respondent shall permit such persons to inspect and copy all records,  
2 documents, and other writings, including all sampling and monitoring  
3 data, in any way pertaining to work undertaken pursuant to this  
4 Consent Order.

5           10.9.     Sampling, Data, and Document Availability:

6 Respondent shall permit the Department and its authorized  
7 representatives to inspect and copy all sampling, testing, monitoring,  
8 and other data generated by Respondent or on Respondent's behalf in  
9 any way pertaining to work undertaken pursuant to this Consent Order.

10 Respondent shall allow the Department and its authorized  
11 representatives to take duplicates of any samples collected by  
12 Respondent pursuant to this Consent Order. Respondent shall maintain  
13 a central depository of the data, reports, and other documents  
14 prepared pursuant to this Consent Order. All such data, reports, and  
15 other documents shall be preserved by Respondent for a minimum of six  
16 years after the conclusion of all activities under this Consent Order.

17 If the Department requests that some or all of these documents be  
18 preserved for a longer period of time, Respondent shall either comply  
19 with that request, deliver the documents to the Department, or permit  
20 the Department to copy the documents prior to destruction. Respondent  
21 shall notify the Department in writing at least six months prior to  
22 destroying any documents prepared pursuant to this Consent Order.

23           10.10.   Government Liabilities: The State of California  
24 shall not be liable for injuries or damages to persons or property  
25 resulting from acts or omissions by Respondent or related parties

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1 specified in paragraph 12.3, in carrying out activities pursuant to  
2 this Consent Order, nor shall the State of California be held as a  
3 party to any contract entered into by Respondent or its agents in  
4 carrying out activities pursuant to this Consent Order.

10.11. Incorporation of Plans and Reports: All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Consent Order are incorporated in this Consent Order upon approval by the Department.

9                    10.12.    Extension Requests:    If Respondent is unable to  
10 perform any activity or submit any document within the time required  
11 under this Consent Order, the Respondent may, prior to expiration of  
12 the time, request an extension of time in writing.    The extension  
13 request shall include a justification for the delay.

14            10.13. Extension Approvals: If the Department determines  
15 that good cause exists for an extension, it will grant the request and  
16 specify in writing a new compliance schedule.

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18 PAYMENT

19           11. Within 30 days of the effective date of this Consent  
20 Order, Respondent shall pay the Department a total of \$8,000 as a  
21 penalty. If Respondent fails to make payment timely as provided  
22 above, Respondent agrees to pay interest thereon at the rate  
23 established pursuant to Health and Safety Code section 25360.1.  
24 Respondent further agrees to pay all costs and attorney's fees  
25 incurred by the Department in pursuing the collection of any sums the

1 payment of which becomes delinquent hereunder. Respondent's check  
2 shall be made payable to Department of Toxic Substances Control, and  
3 shall be delivered together with the attached Payment Voucher to:

4 Department of Toxic Substances Control  
5 Accounting Office  
6 1001 I Street  
P. O. Box 806  
Sacramento, California 95812-0806

7 A photocopy of the check shall be sent to:

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9 Ms. Debra Schwartz, Staff Counsel  
10 Department of Toxic Substances Control  
11 Office of Legal Counsel and Investigations  
1011 North Grandview Ave  
Glendale, California 91201

12 Florence Gharibian, Branch Chief  
13 Southern California Branch  
14 Statewide Compliance Division  
Department of Toxic Substances Control  
1011 North Grandview Avenue  
Glendale, California 91201

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16 OTHER PROVISIONS

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18 12.1. Additional Enforcement Actions: By agreeing to this  
19 Consent Order, the Department does not waive the right to take further  
20 enforcement actions, except to the extent provided in this Consent  
21 Order.

22 12.2. Penalties for Noncompliance: Failure to comply with  
23 the terms of this Consent Order may subject Respondent to civil  
24 penalties and/or punitive damages for any costs incurred by the  
25 Department or other government agencies as a result of such failure,

1 as provided by Health and Safety Code section 25188 and other  
2 applicable provisions of law.

3           12.3. Parties Bound: This Consent Order shall apply to and  
4 be binding upon Respondent and its officers, directors, agents,  
5 receivers, trustees, employees, contractors, consultants, successors,  
6 and assignees, including but not limited to individuals, partners, and  
7 subsidiary and parent corporations, and upon the Department and any  
8 successor agency that may have responsibility for and jurisdiction  
9 over the subject matter of this Consent Order.

10           12.4. Effective Date: The effective date of this Consent  
11 Order is the date it is signed by the Department.

12           12.5. Integration: This agreement constitutes the entire  
13 agreement between the parties and may not be amended, supplemented, or  
14 modified, except as provided in this agreement.

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16 Notices under this paragraph are subject to paragraph 10.2.

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20 Dated: 6/6/05

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Signature of Respondent's  
Representative

John Shubin Jr.

Typed or Printed Name and  
Title of Respondents  
Representative



1 Dated: 6/10/05

*Florence Gharibian*

2 Florence Gharibian, Branch Chief  
3 Statewide Compliance Division  
4 Department of Toxic Substances  
5 Control